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TAGS: PGOV KDEM PHUM VE OAS
SUBJECT: OAS REFERENDUM WRAP-UP GETS SPUN BY BOTH SIDES

Classified By: A/DCM Abelardo A. Arias for Reason 1.4(d).

Summary

1. (C) The report issued by OAS Secretary General (SYG) Cesar Gaviria on September 13 gave ammunition to both the GOV and the opposition regarding the question of fraud in the August 15 presidential recall referendum. The GOV played up Gaviria's admonitions to the opposition to begin to accept the referendum results. The Coordinadora Democratica called the report "adequate and favorable," finding in it criticisms of the GOV. The Coordinadora formally presented its allegations of fraud on September to the National Electoral Council (CNE), which has 20 days to rule. The Coordinadora also requested a nullification of the CNE's results at the Electoral Chamber of the Supreme Court on September 15. Though the possibility of reversing the referendum results are practically nil, the opposition is nonetheless seeking to exhaust legal and administrative remedies. End summary.

GOV Finds the Silver Lining

2.(U) Venezuelans had a mixed reaction to OAS Secretary General Cesar Gaviria's final report on OAS efforts to relieve Venezuela's political crisis, released on September 113. The GOV emphasized Gaviria's repeated advice to the opposition that it "get on the path to accepting" its defeat in the August 15 recall referendum against President Hugo Chavez. Minister of Interior and Justice Jesse Chacon told reporters September 14 the GOV respects the report but disagrees with some parts of it. Chacon said Gaviria's message is more or less that Venezuela has been unable to settle its political crisis peacefully because the opposition refuses to accept the results. Venezuelan OAS Ambassador Jorge Valero told state television on September 16 that Gaviria's report is personal, does not represent the OAS's official position, and even contradicts the report given by Brazilian PermRep Valter Pecly, who headed the observation mission during its final stage.

Opposition Sees Political Backing

13. (C) Coordinadora Democratica representative Asdrubal Aguiar called Gaviria's report "appropriate and favorable," suggesting Venezuelans read it carefully to understand Gaviria's position. Felipe Mujica, Secretary General of the Movement toward Socialism (MAS), told poloff September 16 the Gaviria's report has an anti-Chavez message. Mujica said Gaviria lightly criticized the opposition so as to make his stronger attacks against Chavez, such as Gaviria's assertion that the Chavez's policies are eroding fundamental democratic principles in Venezuela, more credible. Aguiar said Gaviria's report implicitly endorses the creation of an international group to investigate the referendum and determine whether there was fraud.

14. (C) Coordinadora representative Jorge Casado told polcouns September 13 that the Coordinadora plans to make presentations of its fraud allegations throughout Venezuela. Fraud report drafter Tulio Alvarez began visiting Venezuelan states going to Zulia September 14 to present the information, Casado said, adding that other opposition figures would also make presentations. Coordinadora representatives will also visit other countries, funding permitted, to present their case. Casado said they first intended to visit "Friends" governments such as Mexico.

Coordinadora Contests Referendum At CNE, Supreme Court

15. (U) Coordinadora representatives also presented a formal objection to the National Electoral Council (CNE) on

September 9. The Coordinadora documented 1,077 reports of irregularities related to the presidential recall referendum. Coordinadora legal advisor D'Ilsa Solorzano told reporters they had specifically presented proof of manipulation of the electoral registry, which if found true by the CNE board should result in the nullification of the referendum results. (The Alvarez project also alleges irregularities in the electoral registry.) The CNE has 20 working days to respond to the Coordinadora's request. Coordinadora negotiator Enrique Náime told reporters his organization had requested relevant documents from the CNE to facilitate the investigation on August 23, to which the CNE did not respond.

16. (U) On September 15, Solorzano petitioned the Electoral Chamber of the Supreme Court for a nullification of the election based on violations of the constitution and of the Organic Law of Suffrage and Political Participation. Specifically, Solorzano claims the CNE violated electoral law by having poll workers transmit data before printing the tally sheets. Solorzano said the legal motion would require the Electoral Chamber to request all relevant documentation from the CNE. In addition, an NGO named Active Citizens (Ciudadania Activa) petitioned the Electoral Chamber to order the suspension of the October 31 regional elections until problems with the electoral process experienced during the referendum are sorted out.

CNE Directors Already Decided

17. (U) The pro-Chavez directors of the CNE board commented publicly on the opposition's request. Director Oscar Battaglini said the referendum had already been decided, which caused the Coordinadora to demand that Battaglini recuse himself from deciding on the case. Battaglini refused, arguing that he is not a member of a formal tribunal, but rather a representative of a branch of the Venezuelan government. CNE President Francisco Carrasquero defended his institution for its handling of the referendum, saying that political actors are trying to impugn the CNE with allegations of fraud and tricks. Director Jorge Rodriguez said the CNE would treat the opposition's request fairly, proposing even that the CNE's deliberations be made public.

Comment

18. (C) Gaviria's report gave the opposition a shot in the arm, though it does not seem to be having a lasting effect. Chavez opponents are exhausting legal avenues for contesting the referendum, which they believe necessary while moving on politically. The opposition's chances of legally overturning the referendum results are slim-to-none. Both the CNE and the Electoral Chamber are firmly in the hands of Chavez sympathizers who seem to have already made their decisions. It is possible these appeals could unearth some new information that exposes vulnerabilities with the CNE's electoral process. This might help the opposition exact fair conditions from the CNE for the October 31 regional elections, but chances of that are similar to those of overturning the referendum results.

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